

**DECISION
GRAFTON PLANNING BOARD**

RECEIVED TOWN CLERK
GRAFTON, MA

pe

**SPECIAL PERMIT (SP 2015-9)
Replacement of a Second Freestanding Sign
Relief from Size, Setback, Installation Height
Noel Motors, 218 Worcester Street, North Grafton, MA**

2015 OCT 16 AM 8 59

**Sunshine Sign Company, Inc. (Applicant)
Michael Noel (Owner)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Sunshine Sign Company, Inc., 121 Westboro Road, North Grafton, MA 01536 (hereinafter the APPLICANT), for a Special Permit under Section 4.4.4 (Special Cases / Relief) of the Grafton Zoning By-law for relief from the requirements for signs in a Community Business (CB) zoning district. Said petition seeks approval for replacement and expansion of a pre-existing, non-conforming free-standing sign at 218 Worcester Street, North Grafton, and shown on Grafton Assessor's Map 35, Lot 3 and owned by Michael Noel (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds in Book 27946, Page 59.

I. BACKGROUND

The application for the above referenced Special Permit (hereinafter Application) was submitted on June 19, 2015. Notice of the public hearing and the subject matter thereof was published in the Grafton News on June 25 and July 2, 2015, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. The public hearing on the Application was held on August 10, 2015. At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on August 10, 2015.

The following Board members were present throughout the public hearing: Chairman Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger, and Members Linda Hassinger and David Robbins. At the hearing, Michael Noel (Owner) and Brian Glispin of Sunshine Sign Company (Applicant) presented the application to the Board. At the time of Decision, Vice Chairman Michael Scully participated via cell phone / conference call with the other Board members.

II. PROJECT OVERVIEW

The site is located on the corner of Worcester Street and Donahue Lane and lies within two zoning districts – Community Business (CB) along the Worcester Street frontage and Office / Light Industrial (OLI) at the rear of the site. The site currently accommodates several buildings. The original structure currently houses an auto sales and service operation located on the portion of the site that is zoned CB. The rear portion of the site has a new, multi-unit structure which straddles both the CB and OLI zone (see description below).

The property owner was unable to split the lot via an Approval Not Required (ANR) process because the division of the parcel would have resulted in the existing structure being in violation of the setback requirements for the Commercial Business Zone and relief would not have been able to be obtained since the violation would have been one created by the owner of the property and would not be considered a hardship. The ANR would have required the demolition and reconstruction of the existing structure, which was not contemplated by the Applicant.

Two signs currently exist on the site – one to identify the auto sales operations located on the south east corner of the site in the vicinity of the corner of Donahue Lane and Worcester Street; the second sign identifies another business on site and housed within the auto sales building. Previous applications associated with this project include:

- **Site Plan Approval 2013-1 – Construct a New 6,000 Square Foot Building with Site Improvements** – The Planning Board approved a new, one story, 6,000 sq. foot building to be divided into 5- units of 1200 sq. ft. each. Each space will contain a 300 sq. ft. office area in the front of the building. The intended tenants for the units will be comprised of small businesses such as service companies for plumbers, electricians, etc. Signage for the tenants of the new structure was not discussed or approved during the permit process.
- **Special Permit (SP 2015-1) & Site Plan Review - Sign Relief – 2014 – Withdrawn without Prejudice** - The property own applied for a new sign to replace an existing sign in the same location on the site. He submitted a waiver request from Zoning By-law for the requirement that no portion of the sign shall be located above 2½ feet and below 7 feet. The proposed sign had a portion reaching into this area which will be used to display the street number address. The purpose of the new sign was to provide signage for the new businesses located on at the rear of the site. During the course of the public hearing on April 13, 2015 it was determined that there were some flaws in the application as it relates to Zoning By-law that could not be resolved. The Applicant requested to withdraw the Application without prejudice. The Board granted the Applicant's request.

III. SUBMITTALS

The following items were submitted to the Board for its consideration of this application:

- EXHIBIT 1.** Unbound application materials submitted by David Glispin, Sunshine Sign Company, Inc., received on June 19, 2015, including the following:
- Application for Special Permit; received by the Town Clerk on June 19, 2015; 1 page.
 - Certificate of Good Standing; signed by Treasurer /Collector on June 18, 2015; 1 page
 - Certified Abutters List; signed by Assessors Office Manager; dated June 16, 2015; 1 page.
 - Correspondence from Sunshine Sign Company, Inc.; Grafton Tire Signage; submitted by dated June 18, 2015; 1 page.
 - Correspondence from Sunshine Sign Company, Inc.; Waiver Request – 218 Worcester Street – Signage; dated February 26, 2015; 3 pages.
 - Correspondence from Town of Grafton Building Inspector; Re: Denied Sign Permit Application; dated May 20, 2015; 1 page.
 - Plan Sheet, Sign Type A.1, Pylon Sign; prepared by Sunshine Sign Company, Inc.; 8½” X 11”, color; dated June 18, 2015; 1 page.
 - Photograph / Illustration, 218 Worcester Street, Vehicle exiting site line obstruction; 8½ x 11”, color; no date; 1 page.

- Photograph / Illustration, Grafton Tire, Pylon Sign, Sign Type A, revised February 9, 2015; 8½ x 11”, color; 1 page.
 - Photograph / Illustration, 218 Worcester Street, Vehicle exiting site line obstruction; 8½ x 11”, color; no date; 1 page.
 - Plan; Grafton Tire Alternation Plan; prepared by Land Planning, Inc.; 8 ½” X 11”, black and white; dated February 26, 2015; 1 page.
 - Site Redevelopment Plan, Layout and Grading Plan; Sheet 3; prepared by Land Planning, Inc.; 11” X 17”, black and white, dated June 24, 2015; 1 page.
- EXHIBIT 2.** Email correspondence; re: Request for Department Comments – Special Permit – Noel Motors/Sunshine Sign Co., Inc.; Grafton Water District; dated June 29, 2015; 1 page.
- EXHIBIT 3.** Email correspondence; re: Request for Department Comments – Special Permit – Noel Motors/Sunshine Sign Co., Inc.; Sewer Department Comments; dated June 30, 2015; 2 pages.
- EXHIBIT 4.** Plan Sheet, Sign Type A.1, Pylon Sign; prepared by Sunshine Sign Company, Inc.; 8½” X 11”, color; dated June 18, 2015; received July 24, 2015; 1 page.
- EXHIBIT 5.** Roadway Photos; submitted by Sunshine Sign Company, Inc.; 8 ½” X 11”, color; no date; received July 24, 2015; 2 pages.
- EXHIBIT 6.** Memorandum from the Town Planner; Comments for Grafton Tire Special Permit 2015-9; dated July 24, 2015; 4 pages.
- EXHIBIT 7.** Email correspondence from Brian Glispin, Sunshine Sign Company, Inc.; Grafton Tire – 7-27 Hearing, Request for Continuance; received July 27, 2015; 1 page.
- EXHIBIT 8.** Public Hearing Sign-in Sheet, August 10, 2015; 1 page.

IV. FINDINGS

At their meeting of October 15, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mrs. Hassinger) voted 5-0 (roll call vote: Scully – AYE; R. Hassinger – AYE; Hanna – AYE; L. Hassinger – AYE) in favor to make the following Findings:

- F1. That determinations regarding the following findings are based upon the plans identified in this Decision, as well as the information and materials submitted and presented in association with the Application.
- F2. That determinations regarding the following findings are also predicated upon satisfactory completion of the work shown on the Plans in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
- F3. That the subject site (as identified by the Applicant and shown in EXHIBIT #1 of this Decision) is located within a Community Business (CB) and an Industrial (I) zoning district. The site is not located within the Water Supply Protection Overlay District.

- F4. The Board finds that the Applicant is seeking to install a new, non-illuminated, free standing, double sided, pylon sign on the site near the main entrance of the site on the location of an existing sign which will be removed. The proposed sign is designed to identify the site with a street number and five tenants on the site. The proposed sign is a second free standing sign on the site. An existing two sided pylon sign identifying the auto sales business is located on site to east of the location for the proposed sign (See EXHIBIT #1.)
- F5. The Board finds that the Applicant's request to replace the existing non-conforming, free standing sign requires relief pursuant to Section 4.4.4.4 from the following sections: Section 4.4.2.5.9 (installation of sign between 2 ½ feet and 7 feet in height), Section 4.4.3.4.4.1 (more than one sign), Section 4.4.3.4.4.2 (calculation of sign area by frontage), and Section 4.4.2.5.8 (front line setback).

At their meeting of October 15, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mrs. Hassinger) voted 5-0 (roll call vote: Scully – AYE; R. Hassinger – AYE; Hanna – AYE; L. Hassinger – AYE) in favor to make the following Findings:

- F6. That during the public hearing the Board and the Applicant discussed the proposed sign and the nature of the relief requested. The proposed sign will replace an existing sign on site that identifies one business that housed within the same building as the auto sales operation which has its own sign located near the south east corner of the site near the intersection of Donahue Lane and Worcester Street. The proposed sign is designed to identify all the tenants on site other than the auto sales operation including the tenants of the new building located to the rear of the site (see PROJECT BACKGROUND) and to provide street number identification for the site. The proposed sign is 54" x 120" which is 40% larger than the pre-existing, non-conforming sign it will replace which is 48" x 96". The proposed sign will measure 11 feet, 6 inches in height and will be set back from the front and side lot lines at 15 feet. The Board noted that the existing sign (to be removed) which is the proposed location for the new sign encroaches into the setback area.
- F7. That during the public hearing the Board and the Applicant discussed the dimensions of the sign with regards to allowable square footage. The Board received a copy of correspondence from the Building Inspector (see EXHIBIT #1) denying the Applicant's sign permit application noting that "I will have to deny this application because the existing pylon sign is 32 square feet in area and your proposed is 45 square feet in area." It further notes that the proposed sign is an increase in the non-conformity for area and setback which would require a special permit from the Planning Board pursuant to Section 4.4.4.4. The Board reviewed the ZBL requirements about the total amount of square footage of signage allowed based on a number of factors including frontage and lot line setbacks. It was noted that this is a second free standing sign on the site which is allowed under special circumstances in the ZBL. It was further noted that based on the requirements of the ZBL, the zoning district and the amount of frontage of the site, the Applicant would have options in which to create one larger free standing sign on the site to accommodate the need for additional signage.
- F8. That during the public hearing the Applicant and the Board discussed the discussed the waiver request (Section 4.4.2.5.1) which requires that signs shall not create a traffic hazard, or in any way obscure, obstruct, or confuse traffic control or the view of the motorists as required for traffic safety. The Applicant noted that the sign was set back far enough that vehicles exiting the site would not be

visually impaired from safely exiting the site. They submitted a photograph (EXHIBIT #1) that showed that the sign would be one car length behind the site entrance. The Applicant further noted that the sign would not impair visibility for vehicles travelling on along Worcester Street due to the distance set back from the road. This includes the sight lines for traffic exiting Donahue Lane onto Worcester Street. The Applicant further noted that the sign was set back further than the sign on the abutting property which further supported the argument that the sign would not create a traffic hazard. The Board raised concerns about the location of the sign in relation to the existing conditions on site where many cars are parked along the front property line. The proposed sign location is near the main entrance to the site along Worcester Street.

- F9. That during the public hearing the Board and the Applicant discussed the waiver request (Section 4.4.2.5.9) which requires that there be visibility through the sign between 2 ½ to 7 feet. The Applicant noted that the proposed sign would be set back from the road at enough distance to eliminate any traffic safety concerns (see FINDING #F9). The requirement for a visibility clearance between 2 ½ and 7 feet did not, in the Applicant's opinion, apply in this case as there was a full car length's distance from the sign to the site entrance / exit. The Applicant noted that they were adding a street number in the area of the sign in question. They felt that the addition of the street number to identify the site was an important factor in assisting motorists in finding the site and the businesses identified on the sign.
- F10. That during the public hearing the Board and the Applicant discussed the proposed sign as it relates to the compatibility with surrounding businesses. Joseph Laydon, the Town Planner, reviewed the signage in the area including abutting properties. He noted that the businesses in the area all had structures facing Worcester Street and that there were multiple types of signage on these sites including façade signage for each business and free standing signs to identify the site. He noted that the Applicant's proposed sign would identify the businesses on site that did not have any other option for signage as the building they were located in was set back on the site and not visible from Worcester Street. It was noted that the area has a number of business along Worcester Street with a wide variety of signage. Many of the plazas in the area are older and have site signage along the road. Mr. Laydon stated that it was his opinion that the proposed sign would be consistent with signage in the area and would not negatively impact the surrounding neighborhood or signs. It was noted that a certain amount of visual confusion exists in the area due the lack of defined pedestrian and vehicle travel areas as a result of large curb cuts, lack of sidewalks and inconsistent development patterns over time. The Board noted that the site in question is similar to surrounding businesses in that there are a number of factors that create visual confusion such as lack of clear definition of the main entrance, reduced site visibility due to cars parked along the front property line and in close proximity to the main entrance, and the lack of a defined border between the site and the abutting site which also has a continuous curb cut across its frontage.
- F11. That during the public hearing the Board and the Applicant discussed the potential for other design options that would allow a new sign to be built as of right and not require relief from the ZBL. It was noted that the Applicant would like to replace the existing non-conforming sign with a new sign that is 40% larger which results in a new, larger non-conforming sign. The Applicant provided an alternate drawing of a sign that would not require relief (see EXHIBIT #1). The Board acknowledged that Section 4.4.4.4 allows for relief for the quantity of signs, however this was not requested in the Application. The Board asked the Applicant if he would consider reconfiguring all the site signage onto one new sign that was compliant with the ZBL to accommodate all the tenants to which Mr. Noel

replied “no”. Mr. Noel stated that he had been at the site for over 30 years and had no interest in replacing his existing sign which only identifies the auto sales operation.

At their meeting of October 15, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mrs. Hassinger) voted 5-0 (roll call vote: Scully – AYE; R. Hassinger – AYE; Hanna – AYE; L. Hassinger – AYE) in favor to make the following Findings:

- F12. That Section 4.4.4.2 of the ZBL provides for certain types of relief from the requirements of Section 4.4 (Signs), as specified in said Section, and that such relief may only be obtained through the issuance of a Special Permit by Planning Board. The Board also finds that Section 4.4.4.2 of the ZBL states the reasons and/or circumstances for which the Planning Board may consider granting relief from the requirements for signs, and that said section requires the Planning Board to make findings with regard to certain criteria defined in said Section. The Board further finds that this Application is being considered under subsection 4.4.4.2. of the ZBL, Special Cases / Relief.
- F13. That with regard to Section 4.4.4.2(a), public safety, convenience, and traffic-flow will not be improved as the proposed sign is to be installed in the same location as the pre-existing, non-conforming sign does not improve existing conditions in a compelling manner for the Board to find favorably (see FINDING #F8). The Board finds that while the addition of the street identification number on the new sign would provide an increase in public convenience, it is not a compelling reason to find favorably since the street number could be added to the existing signs.
- F14. That with regard to Section 4.4.4.2(a), the sign will not be a nuisance or a hazard to vehicles and pedestrians. However, it is noted that the Application calls for replacing a pre-existing, non-conforming sign with a new sign that is 40% larger in the same location and neither improves or exacerbates existing conditions (see FINDINGS #F1, #F13).
- F15. That with regard to Section 4.4.4.2(b), the architecture of the building, the location of the building with reference to the street or the nature of the establishment is such that the sign should not be permitted in the public interest based on the Exhibits and Findings. The Applicant has created a self-imposed hardship and was unwilling to consider other options that would improve the overall site signage, options that would not require relief from the Zoning By-law. In addition, the Board notes that the proposed sign would replace a pre-existing, non-conforming sign with a larger (by 40%) sign that would also be non-conforming (see FINDING #F1)
- F16. That with regard to Section 4.4.4.2(c), the sign will not cause glare or offensive lighting in the neighborhood or surrounding properties (see FINDING #F4). The proposed sign will not be internally lit and therefore will not generate glare. With regards to visual confusion, the Board finds that the proposed sign and its location will add to the visual confusion of the area with regards to abutting and surrounding businesses. The proposed sign, although proposed to be installed in the same location of the pre-existing, non-conforming sign, is 40% larger. It will add to an already visually confusing environment both on and off-site (see FINDINGS #F1, #F10).
- F17. That with regard to Section 4.4.4.2(d), the sign requested pursuant to the Special Permit Application is not necessary due to the topography or site conditions unique to the proposed location of the sign. The proposed sign would replace a pre-existing, non-conforming sign in situ. (See FINDINGS #F1, #F13)

- F18. That with regard to Section 4.4.4.2(e), that the site does not contain a unique and particular type of use that requires additional signage in order to identify the premises adequately. The Board finds that the Applicant did not present any information to make a favorable finding on this matter. No information about the four of the five tenants to be identified by the sign was provided, though it was acknowledged that four businesses are located at the site and have no means of identification from Worcester Street. The Board finds that the one tenant identified in the Application was for an existing use on site which is auto related and therefore not unique to the site which is primarily used for an auto sales operation. (See FINDING #F6 and EXHIBIT #1).
- F19. That with regard to Section 4.4.4.2(f), the sign in question is not appropriately located and reasonably adapted to the proper use. The Board finds that the proposed sign will replace a pre-existing, non-conforming sign in the same location with a larger, non-conforming sign. The existing sign is encroaching into the side yard setback. (See FINDING #F6).
- F20. That with regard to Section 4.4.4.2(g), the sign will not significantly alter the character of the zoning district or be a detriment to the surrounding area. The Board recognizes that there is a level of visual confusion in the immediate area due to a number of physical factors including lack of sidewalks, amount of signage, lack of clear right-of-way definition. However, the proposed new sign does not abide by the requirements of the ZBL with regards to increased non-conformity and would perpetuate the situation which is in conflict with the intent of the ZBL (See FINDINGS #F10, #F18)
- F21. That with regard to Section 4.4.4.2(h), the sign will be detrimental to the public safety and welfare. The proposed sign is to be installed in the same location as the pre-existing, non-conforming sign does not improve existing conditions in a compelling manner for the Board to find favorably (see FINDINGS #F6, #F13). The increase in square footage (40%) of the new sign would exacerbate an already visually confusing on site situation (see FINDINGS #F10, #F20). The Board finds that while the addition of the street identification number on the new sign would provide an increase in public convenience, it is not a compelling reason to find favorably.
- F22. That with regard to Section 4.4.4.2(i), the granting of the Special Permit does derogate substantially from, and would not be in harmony with, the intent and purposes of the Bylaw. The Applicant has created a self-imposed hardship by requesting a new and larger (by 40%) sign to replace a pre-existing, non-conforming sign. Based on the requirements of the ZBL, the Applicant has other options in which to remedy his need for additional signage without the need for relief but has stated that he is unwilling to do so. (See FINDING #F11).

At their meeting of October 15, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mrs. Hassinger) voted 5-0 (roll call vote: Scully – AYE; R. Hassinger – AYE; Hanna – AYE; L. Hassinger – AYE) in favor to make the following Findings:

- F23. With regard to Section 1.5.5(a) of the ZBL, that based upon the Findings stated within this Decision, ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, are not adequate. (See FINDINGS #F13, #F14, #F21).
- F24. With regard to Section 1.5.5(b) of the ZBL, that based upon the Findings stated within this Decision, off-street parking and loading areas where required, and the economic, noise, glare, or odor effects of

the Special Permit on adjoining properties and properties generally in the district are not satisfactory. The existing sign encroaches on the side lot line (see FINDING #F6). No off-street parking or loading areas are proposed with this Application (see EXHIBIT #1).

- F25. With regard to Section 1.5.5(c) of the ZBL, that based upon the Findings stated within this Decision, refuse collection or disposal and service areas do not change. The Board finds that this requirement does not apply to this Application based on the nature of the proposal.
- F26. With regard to Section 1.5.5(d) of the ZBL, that based upon the Findings stated within this Decision, screening and buffering with reference to type, dimensions and character are not adequate. No screening is proposed and no effort to remedy the encroachment into the side yard setback was proposed.
- F27. With regard to Section 1.5.5(e) of the ZBL, that based upon the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect is not compatible and in harmony with properties in the district. No exterior lighting is proposed. The proposed sign is not internally lit and will not generate glare. The increase in non-conformity of the new sign (by 40%) will increase the visual confusion on the site.
- F28. With regard to Section 1.5.5(f) of the ZBL, that based upon the Findings stated within this Decision, the required yards and other open space requirements do not change. The Board finds that this requirement does not apply to this Application based on the nature of the proposal.
- F29. With regard to Section 1.5.5(g) of the ZBL, that the proposed sign and its use (as presented in the EXHIBITS stated within this Decision and by the Applicant during the public hearing) is not generally compatible with adjacent properties and properties in the district (see FINDING #F10, #F21).
- F30. With regard to Section 1.5.5(h) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant adverse impact on any public or private water supply.
- F31. With regard to Section 1.5.5(i) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant or cumulative impact upon municipal water supplies.
- F32. With regard to Section 1.5.5(j) of the ZBL, that based upon the Findings stated within this Decision, protection of important historic, cultural and scenic landscapes with regard to the proposed development does not change. No resources of these kinds were identified during the course of the public hearing.

V. WAIVERS

- W1. At their meeting of October 15, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mr. Hassinger) voted 5-0 (roll call vote: Scully – AYE; R. Hassinger –

AYE; Hanna – AYE; L. Hassinger – AYE) to **DENY** the Applicant's request for waivers from the requirements of **Section 4.4.2.5.1 - Installation** of the ZBL which states:

"No sign shall be erected that shall in any way create a traffic hazard, nor shall it in any way obscure, obstruct, or confuse traffic control or the view of the motorists as required for traffic safety."

The Board finds that the waiver request from Section 4.4.2.5.1 is not valid as it is a performance standard to evaluate the requested relief and not subject to waiver.

- W2.** At their meeting of October 15, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mr. Hassinger) voted 5-0 (roll call vote: Scully – AYE; R. Hassinger – AYE; Hanna – AYE; L. Hassinger – AYE) to **DENY** the Applicant's request for waivers from the requirements of **Section 4.4.2.5.9** of the ZBL which states:

"With the exception of free standing directional and informational signs, free-standing signs and appurtenance structures to be constructed so that no portion of the sign (except pole) shall be located between two and one-half (2½) feet and seven (7) feet, as measured from average grade."

The Board finds that this waiver request is not applicable for this Application since relief from Section 4.4.2.5.9 was incorporated into Section 4.4.4.4, therefore making the request of the waiver unnecessary (see FINDING #F7).

VI. DECISION and CONDITIONS

At their meeting of October 15, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mr. Hassinger) voted 5-0 (roll call vote: Scully – AYE; R. Hassinger – AYE; Hanna – AYE; L. Hassinger – AYE) to **DENY** this Special Permit. This Denial is based on the FINDINGS and EXHIBITS of this DECISION as summarized by the following:

- A. **Increase in Non-Conformity / 2nd Freestanding Sign** – Replacement of the existing second freestanding sign with a larger (by 40%) sign in situ would perpetuate and exacerbate an existing violation of the ZBL. No compelling reasons were identified to grant relief based on the requirement of Section 4.4 and Section 1.5.5 – Conditions for Granting Special Permits and Section 4.4.4 – Signs: Special Cases / Relief to allow the non-conformity to be perpetuated. This DENIAL is based, in part, on the fact that the proposed sign does not meet the standard for relief and would not be in harmony with the intent and purposes of the Bylaw (see FINDING #F22).
- B. **Self-Imposed Hardship** – the Applicant desires to provide additional on-site signage for the tenant occupying the newly constructed 6,000 square foot building at the rear of the site, which houses rental spaces for businesses. The Special Permit Application for this building was approved by the Planning Board in 2013 (see PROJECT OVERVIEW). Signage for the tenants of the new structure was not discussed or approved during that permit process. . The Applicant proposed the installation of a larger sign replacing the existing Grafton Tire sign, a business located in the rear of the Noel's Auto Sales building. The proposed larger sign would advertise Grafton Tire and tenants of the newly

constructed building in the rear of the site. The proposed sign represents a 40% increase in the existing non-conforming sign. The Board found that the Applicant had other viable options to provide one freestanding sign on site that could accommodate the signage needs of all the businesses located on site, however the Applicant stated that he was not interested in pursuing other options despite the fact that other remedies were available that did not require relief (see below) (see FINDING #F11).

- C. **Hardship Remedy Available That Would Not Require Relief** – Based on the requirements of the ZBL and lot frontage of the site, the Applicant has the opportunity to reconfigure the site signage without the need for relief and eliminating the pre-existing, non-conforming sign that is encroaching into the side yard setback. The Board notes that the Applicant has several options (including but not limited to: improving the freestanding sign which currently identifies the auto sales business; or remove both existing freestanding signs and install one new freestanding sign that could accommodate the signage requirements for all the businesses on site. The Applicant stated that he was not interested in pursuing other options (see FINDING #F11).

VII. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted **5-0** (roll call vote: Scully – AYE; R. Hassinger – AYE; Hanna – AYE; L. Hassinger – AYE) to **DENY** the Applicant's Special Permit Application to replace a pre-existing, non-conforming sign with a larger, non-conforming free-standing sign at 218 Worcester Street, North Grafton, based on the information received at the public hearing and the aforementioned findings.

<u>Sargon Hanna, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Michael Scully, Vice Chairman</u>	<u>AYE</u>	<u>David Robbins, Member</u>	<u>AYE</u>
<u>Robert Hassinger, Clerk</u>	<u>AYE</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Joseph Laydon, Town Planner

10-16-2015

Date

cc: Applicant
Owner
Building Inspector

To Whom It May Concern: This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

Donna Girouard, Town Clerk

Date